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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT		ATTORNEY DOCKET NO.
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24M1/0116

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EXAMINER	
FEILD, J	
ART UNIT	PAPER NUMBER
2412	16

DATE MAILED: 01/16/97

Please find below a communication from the EXAMINER in charge of this application.

See Attached

Commissioner of Patents

☒ Responsive to communication(s) filed on _Aug 21, 1996_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ___three___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) _1-17_ is/are pending in the application.

Of the above, claim(s) _none_ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1-17_ is/are rejected.

☒ Claim(s) _2-10_ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

1.   This office action is responsive to the interview held on 8/21/96 with Paul Scifo.   During the interview, the examiner indicated that finality would be withdrawn and that either the case would be allowed or that a new non-final office action would be issued based on an updated search. Applicant subsequently filed an after-final amendment (paper #15), notice of appeal (paper #14), and three month extension of time (paper # 13). This amendment is being entered. A new rejection under 35 U.S.C. §103 is presented below.   Since the grounds of rejection is not based on the amendment, finality is being withdrawn, and this office action is being made non-final. Also, since the delay in issuing this office action was caused by the PTO, applicant is not required to file any further fees for time extensions. Any inconvenience caused by the delay in issuing this office action is regretted.

    Claims 2-10 are objected to under 37 CFR 1.75.   Although applicant's claims meet the requirement of 35 U.S.C. §112 2nd paragraph, i.e., the metes and bounds are determinable, some language needs to be updated as a result of the amendment submitted 8/21/96. Specifically, the amendment introduces a change in claim language at claim 1 (line 8), in which "information elements" has been changed to "objects". Therefore, at claim 2 (lines 1-2), antecedent basis for "the elements" is no longer valid. It is in the best interest of the patent community that applicant, in

his/her normal review and/or rewriting of the claims, to take into

consideration these editorial situations and make changes as

necessary.

2.   The following is a quotation of 35 U.S.C. § 103 which forms
the basis for all obviousness rejections set forth in this Office
action:

> A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter
> sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time
> the invention was made to a person having ordinary skill in
> the art to which said subject matter pertains. Patentability
> shall not be negatived by the manner in which the invention
> was made.
>
> Subject matter developed by another person, which qualifies as
> prior art only under subsection (f) or (g) of section 102 of
> this title, shall not preclude patentability under this
> section where the subject matter and the claimed invention
> were, at the time the invention was made, owned by the same
> person or subject to an obligation of assignment to the same
> person.

3.   Claims 1-4, 8, 9/8, and 12-17 are rejected under 35 U.S.C.

§ 103 as being unpatentable over Scheifler et al ("The X Window

System", *ACM Transactions on Graphics*, Vol. 5., No. 2, April 1986,

pp. 79-109).

Regarding claim 1, Scheifler discloses the details regarding

the X Window system. As Scheifler discloses, X Windows is defined

by a network protocol. As is illustrated in figure 1, the network

includes "one or more servers" and "reception systems". Scheifler

also discloses "service applications". The window manager is

"stored on a network". The claimed "partitions" read on the

windows disclosed by Scheifler. The windows are "constructed from
objects having a prescribed structure, the objects being stored in
the network, the network including at least one or more servers,
and the reception systems, and retrievable at the respective
reception system such that at least some of the objects may be used
in more that one application". As can be readily seen from figure
1, the various components required for displaying windows and
executing applications are stored on the network. At page 88
(section 3.2), Scheifler discloses, *The basic resources provided by
the server are windows, fonts, mouse cursors, and offscreen images.*
He further discloses, *Any client that knows (or guesses) the
identifier for a resource can use and manipulate the resource
freely, even if it was created by another client. This capability
is required to allow multiprocess applications to manipulate shared
resources.* This constitutes a teaching of "at least some of the
objects may be used in more that one application". At the bottom
of page 88, Scheifler discloses, *to display text in a window, the
fixed-length parameters incliude the drawing color and the
identifiers for the window and the font . . . .* Here, the
identifiers are used to identify the claimed "objects". At page
91, Scheifler discloses the use of windows *for such things as
individual menu items, buttons, and even individual items in forms
and spreadsheets,* and at page 100, he discloses, *each menu item can
be placed in a separate subwindow of the overall menu window.*

Furthermore, at page 102, Scheifler discloses a *"programmable interface" that allows the user to assign individual commands or user-defined menus of commands to any number of button/modifier combinations.* At page 106, Scheifler discloses, *the information paths between applications (e.g., in support of "cut and paste") need to be flexible. To this end we are adding a LISPish property list mechanism to windows, and the event mechanism is being augmented to provide a simple form of interclient communication.* Thus, Scheifler discloses the steps of "generating a screen display . . . ", "generating at least of first partition for presenting applications", and "generating concurrently . . . a second partition for presenting a plurality of command functions", i.e. menu selections which allow "movement between applications". It is noted that Scheifler does not explicitly teach "objects"; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to construct the "partitions" from "objects" in view of Scheifler's teaching of creating resources using identifiers. Also, refer to Scheifler's page 80, in which he discloses, *VGTS provides graphics windows driven by fairly high-level object definitions from a structured display file.*

Regarding dependent claims 2-4, as is argued above, Scheifler discloses constructing "partitions" from "objects". With respect to "providing the first group of command functions . . . ",

Scheifler provides an implicit teaching of such a "first subgroup". Refer to Scheifler's page 102, in which he discloses a *programmable interface* which *allows the user to assign individual commands or user-defined commands or user-defined menus of commands*. One of ordinary skill in the art would be motivated to apply such a teaching to "permit random movement between applications" because X Windows allows such "random movement". Furthermore, Scheifler's disclosure at page 102 of using *any number of button/modifier combinations* could be easily applied to presenting a user with "at least one procedure for navigating to a new application" or a "plurality of different procedures". It would be useful to customize a menu including such "random movement" if there are numerous available applications. Such a concept would be obvious to one of ordinary skill in the art at the time of the invention in view of the well known file manager, which allows the user to access directories of files, including "application" files, and in view of Scheifler's teaching at page 106 of *providing a simple form of interclient communication*.

Regarding dependent claims 8 and 9/8, refer to Scheifler's pages 102-103, in which he discloses representing a window (and hence its application via an icon.

Regarding dependent claims 12-13, Scheifler discloses generating several "partitions concurrently with the first and second partitions for presenting a second application". While Scheifler does not specifically discloses "advertising", it would have been obvious to one of ordinary skill in the art at the time of the invention to display "advertising" on the screen because Scheifler's disclosure applies to applications in general, including "advertising".

Regarding dependent claims 14-17, refer to Scheifler's pages 89-91, in which he discloses "one or more window partitions that overlays at least a portion of the application partition . . . ". As is argued above for claim 1, the user could easily construct "respective partitions at fixed, predetermined regions of the display screen, the second partition being arranged as a command bar".

4.   Claims 5-7, 9/5, 9/6, and 9/7 are rejected under 35 U.S.C. § 103 as being unpatentable over Scheifler, as in claims 1-4 above, and further in view of Microsoft Windows version 2.0 (1987), hereinafter "2.0".

It is noted that while Scheifler discloses using a keyboard for various commands, he fails to explicitly teach "enter a character string at the reception system to randomly search the availablve applications . . . ". However, refer to 2.0's page 90, in which a dialog box is disclosed in which the user may enter a

character string to search for available application files. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the capabilities disclosed by Scheifler to include the concepts disclosed by 2.0 because it would provide the user with a concise way of accessing the applications stored on the network.

5.   Claims 10-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Scheifler, as in claims 1-2 above, and further in view of Peters (5,050,105).

It is noted that Scheifler fails to explicitly teach "providing at a command for enabling the user to progress through a sequence of applications previously designated". However, refer to Peters' abstract, in which he discloses linking two or more windows and applying an execution order in correspondence with the order in which the windows were linked. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Scheifler and Peters in arriving at the instant invention in order to provide easy access to different levels of other applications.
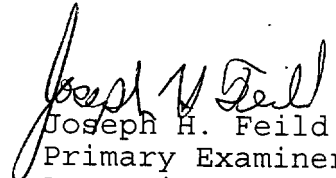
6.   Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Joseph Feild
whose telephone number is (703) 305-9792. The examiner can normally
be reached on Monday through Thursday from 7:30 a.m. to 6:00 p.m.
(EST).

If attempts to reach the examiner by telephone are unsuccessful,
the examiner's supervisor, Heather Herndon, can be reached on (703)
305-9701.   However, in such a case, please allow at least one
business day before contacting Heather Herndon. The fax phone
number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this
application or proceeding should be directed to the Group
receptionist whose telephone number is (703) 305-3800.

Joseph H. Feild
Primary Examiner
Art Unit 2412

09 January 1997